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AND WITHOUT PASSING AN AP-PORTIONMENT BILL.

Talk of an Agreement Between Senator Baines and Speaker Wadsworth to That. meet -The Travis-Green Direct Nomiations Bill May Be Passed Monday

ALBANY, July 10.-The developments of today have caused the impression to prevail here is an agreement between Senator Barres and Speaker Wadsworth wherehy the extra session of the Legislature will en on Tuesday of next week without rate og an apportionment bill This course suggested several times during the session and events of to-day incline oute a number to the belief that this is the programme. On Tuesday it is expected the committees appointed by the two houses today will report that it is impossible to reach an agreement, and a resolution to adjourn will be in order at once.

That Senator Raines had something of this sort in his mind is shown, it is believed in the resolution he introduced and had adopted in the Senate Monday night. He sprang the resolution without speaking to any one about it, having prepared it at his home. This resolution asks that the Legislature inquire as to whether it has a right to pass an apportionment bill at an extra session and whether the Attorney-General is correct in his contention that Senators must be elected this fall.

To-day, much to the surprise of every one, when the resolution was handed down in the Assembly Majority Leader Moreland said that there was no such doubt in the mind of the Assembly as to the right of the Legislature to make an apportionment at this session, but this was not the reason of the move in the Assembly

"Speaker Wadsworth and Assemblyman Merritt studied the resolution," said one of the Speaker's close friends after the Assembly had adjourned, "and thought there might be something behind the resolution that did not appear on its surface, so they thought it would be the safest plan to have

A Senator who knows what is going on, however, added that the Speaker has a case of cold feet in this move. This Senator

"I am going home and will not be back until Monday night, when I will assist in again putting State Chairman Woodruff in a hole by passing the direct nominations bill. That will be the only business transacted at this session. I have made my arrangements to take up private business on Wednes day, and matters pertaining to the Legis-lature will not bother me again until next year. There is no chance of the two houses agreeing on any apportionment bill. Sena-tor Raines made doubly certain of that in his committee to-day. That committee is just as strong for the Tully plan of apportionment as was either of the other two appointed by Senator Raines.

"You know there is a serious doubt as to the right of the Legislature to pass an apportionment bill at an extra session. was believed that the Assembly would adopt the Raines resolution and the committee that considered the question would report some day next week that in their pinion the question of apportionment should be left until the next regular seas Now in view of what the Assembly did today there will be nothing left but for the committees to report that they cannot agree and then both houses will adjourn."

Speaker Wadsworth's closest friends to-day were urging that the Assembly Committee on Apportionment seek a meeting with the Senate committee at once, and if the Senate committee would not yield, then the Assembly committee was to report to the Assembly that they could not reach an agreement and that the Assembly would make no further effort to reach an agreement. Said one of Speaker Wadsworth's friends:

"Why, the intention of Senator Raines to prevent a reapportionment at this session has been evident since Monday. He has had many conferences with the Speaker and yet while he has said openly that he is trying to bring about peace, yesterday he announced several times that he was going to appoint the old committee to represent the Senate on reapportionment. Why, even this morning he said he was going to appoint Senators Cassidy, Cobb, Smith and Tully on the committee. However, Senator Tully thought it would be inadvisable for him to serve, so Senator Raines named nine Schators, but two of them are affected by the reapportionment."

There are certain political leaders who would prefer to have Senate districts under the 1805 plan of reapportionment than to have to accept districts such as would be required in a bill that Gov. Hughes would sign. While this is their scheme now, there are some Senators and Assemblymen who say that an apportionment bill will be passed. One Assemblyman says of the

situation: "All of the Senators who voted to sustain Superintendent of Insurance Kelsey are trembling in their boots now for fear that the Governor may spring a special message calling upon the Senate to remove Supt. Kelsey. Why he does not do it right away no one knows. In the present status of things there isn't a shadow of doubt that the Governor would be successful if he would ask for it, but he has remained silent on that score. But there is the possibility that clothed with the authority contained in the Moreland law, giving him the right to investigate State departments, the Governor may discover something that would cause him to again bring back the Legislature to remove Supt. Kelsey. Then, when he has them back here for that object te could also include in the subjects for the Legislature to consider an apportionment the Senators and Assemblymen wave selfish interests to serve in the conment muddle think they are going to perfect their duty this way they will undoubtedly find themselves right up

aga mut it Schator Raines named as the Senate les on Apportionment Senators of Broome Wilcox of Cayuga, of New York, Fancher of Cattau-Heacock of Herkimer, Dunn of and O'Neill of Franklin, Repub-Cullen of Brooklyn and Ramsperger

he of the Republicans named voted the Tully apportionment plan in the an Senate caucus. Senator Tully that the committee would be for the

Tully I lan of apportionment. Wadsworth also changed the

MAY ADJOURN TUESDAY NEXT personnel of his representatives in the Apportionment Committee. The committee is composed of Assemblymen Mead of Albany, G. H. Whitney of Saratoga, Hamm of Wayne. Mills of Hamilton-Fulton and Burns of New York.

The committee met in joint session this afternoon, but without attempting to do anything adjourned until 11 o'clock to-morrow morning. Senator Hinman left town this afternoon. Senator Raines says he is working on an apportionment bill and that he believes a compromise can be reached by shifting two counties, so that Speaker Wadsworth's home county, Livingston, need not go with Steuben. Several of the Speaker's friends are angry at any suggestion that the Speaker will accept any apportionment plan that takes Livingston county out of the Wadsworth Congress district. One of his friends says:

"If he goes with Senator Raines then he might just as well have accepted the Tully plan, for his main objection to that plan was that it took the Livingston county district out of its Congress district.

It was also discussed in Assembly circles to-day that Speaker Wadsworth and Assemblyman Phillips ignored the Assembly about as completely as did the Senate in the apportionment question at the regular ssion. At the caucus of the Republican Assemblymen both Speaker Wadsworth and Assemblyman Phillips said that the action of the caucus in taking the Wadsworth amendments was not final. They said that there might be changes made, but if there were they would be brought before a caucus. There were many changes suggested, but not once was there a hint of calling a second caucus; in fact the Speaker kept away from any suggestion of calling a caucus as well as he could.

It is the intention at present to pass the Travis-Green direct nominations bill Monday night.

# TEN HURT IN TROLLEY CRASH.

Collision at a Jersey City Crossing-Motor man Didn't Check Car.

There was a collision between two trolley cars at the junction of York and Henderson streets, Jersey City, last night in which ten persons were hurt, one probably mortally. The collision was caused by the failure of brakes to work on Car 1220 of the Greenville line. It was a large open car and was going east on York street at good speed. One of the old jigger cars of the Henderson street line was coming toward York street running north.

According to James Dunn, clerk of the Hudson County Circuit Court, and other persons on the Greenville car. James Bennett the motorman, was not able to slow down on approaching Henderson street. Dunn had told the conductor he wanted to get of there and, seeing that Bennett did not stop, he pulled the bell himself. Another man pulled the trolley off the wire just before the accident occurred.

The Greenville car struck the Henderson trolley near the front, smashed in its side and threw it completely around, turning it over. The front of that car was knocked against the curb by the shock and the assengers thrown about pretty violently. No one was hurt in the Greenville car. which did not leave the tracks, being much heavier. Hyman Posner of 40 Bartlett street was found in the gutter near the Henderson street car from which he had een thrown. His skull was fractured and his left arm broken. He was taken to the

Others hurt were Cady Gibney, 400 Grove street, Jersey City; Frank West, 128 Hackensack avenue, Jersey City; John Hearst 89 Parmorapo avenue, Jersey City, a conductor on the Greenville car, right knee badly hurt; Charles Harley, 9 Vroom street ersey City, conductor on the Henderson street car, back wrenched; William Arnfeld, motorman of the Henderson street car. left arm and left shoulder bruised; Mrs. May McCart, 216 Sixth street, Jersey City. shock and possible internal injuries; May Baston and Annie Baston, sisters, Grove street, Jersey City, shock and slight injuries: Joseph Weingarten, 475 Henderson street, Jersey City, left leg and head

City Hospital as were the others injured.

Bennett, the motorman of the Greenville car, was not injured. He was arrested.

#### CURTIUS PAGE SANDBAGGED? Architect Taken to Bellevue as a "Druni

Dies in Dr. Bull's Hospital. Curtius Page of the firm of Hayes & Page, architects, of Springfield, Mass., died at 5:30 yesterday morning at Dr. W. T. Bull's private hospital in East Thirtythird street. On the evening of June 28 he was picked up unconscious on the Coney

Island steamboat pier at the foot of West Twenty-second street and he never regained his senses. Two weeks ago Mr. Page came to New York for an outing. On June 28 he is sup-posed to have visited Coney Island, for at 5:35 that night somebody telephoned the

New York Hospital that a man in need of attention had been carried off the Cygnus an Island boat, and would be found on the West Twenty-second street pier. Dr. Truesdale, the ambulance surgeon who responded, carried the supposed "drunk" over to Bellevue, where his trouble was diagnosed as incipient delirium tremens by Drs. Elmendorf and Bartlett. Some how he was registered in the hospital books as "Curtis Page, actor." In his pockets were \$1, a brase check and papers suggesting his identity.

J. C. Beggs, Mr. Page's brother-in-law, came down from Springfield on July 4. Two days later Mrs. Page arrived and had her husband transferred to Dr. Bull's.

When Mr. Page died, Dr. H. H. Mason who had attended him, informed Coroner Dooley that there were bruises which made him think that the architect might have been sandbagged either at Coney Island or on the pier when he returned. Coroner's Physician Lehane examined the body yesterday, but said he could not tell what caused death until after the autopsy to be performed at the Morgue this morning. Drs. Elmendorf and Bartlett said last night they were confident that it would prove to have been alcoholism.

#### Lieut .- Col. Ayres Ordered Before a Retiring Board.

WASHINGTON, July 10.-Orders were issued to-day by the War Department directing Lieut.-Col. Charles G. Ayres, Fourteenth Cavalry, to appear before a retiring board in New York on July 17 for examination. The members of the board are Brig.-Gen. John M. E. Davis, Col. Charles A. P. Hatfield, Lieut.-Col. W. P. Evans, Major Guy L. Edie, Surgeon; Capt. Sanford H. Wadhams, Assistant Surgeon, and Capt. William T. Johnston, recorder.

Best Excursions in World. 8.40 or 9.40 A. M. of 1.40 P. M. from Hudson River Day Line, Desbrosse street Pier. Music. See Steamboat Col. - Adv.

## WAR?ABSURD,SAYSYAMAMOTO

SITS FOR PEACE PICTURE WITH BOB EVANS TO PROVE IT.

Japanese Admiral Warns Editors Against Stirring Up a Fuss Without Understanding Conditions-Pacific Fleet Is Our Affair and Not Considered a Menace.

Admiral Baron Yamamoto, Japan's Minister of the Navy during the Russian war, who arrived yesterday from England on the Cunard liner Carmania, says that the present war talk is absurd.

"We want peace," were his first words to the reporters. "We can't forget that America has shown our country friendly feeling for many years. This cannot be broken by a passing storm. The Japanese are not thinking as you are writing."

The Admiral wasn't stumped either when asked by the newspaper men what the effect would be in Japan of the United States sending a large fleet to the Pacific Coast.

"That question is entirely one of your country," he replied "It is not for me to express my feelings."

"I don't know why your Government is sending such a large squadron to the Pacific," spoke up Commander Kato of the Admiral's party, "but from comments aroused in this country and those we have heard it would seem to be unusual. But then, after all, I suppose it is only for training. However, we do not take it as a menace. We quite understood that it was an American affair, besides we take things as they come. Our people are greatly united to your country and remember you especially during our last war."

Questioned regarding a published re port in the Hochi Shinbun of Tokio quoting Admiral Sakamoto to the effect that Ameri can naval officers make good ballroom figures but lacked courage Admiral Yama noto said:

"It is ridiculous. The Admiral is a man of too great standing and too much dignity to voice such sentiment Naval etiquette would not tolerate such utterances. You may better believe he never made the remarks attributed to him. The newspaper that is said to have published the report in Japan is not one of high standing. It is what you call here yellow.

"I want to impress upon the editors of the newspapers that they cannot be too careful what they write. They must understand the conditions of the two countries thoroughly before they write. There are many sensational newspapers in Japan as well as America, and it is a pity that they do not attempt to understand conditions before they put them down upon paper. America is a country which long has had friendly relations with Japan. The treaty between the countries was signed about the time that I was born. In fact, the friendly relations are of such long standing that I think this passing storm should be thrown into the waters of the Pacific Ocean.

Admiral Yamamoto went to England as attaché on the staff of Prince Fushimi and he and his party got permission from the Japanese Government to make a little visit to the United States on their way home. They will be entertained on Friday by are staying at the Holland House.

Rear Admiral Bob Evans, who is an old friend of Admiral Yamamoto and who will probably command the Pacific squadron, was an early caller and to the delight of those about the two started on a general peace talk.

"This talked of war is a myth," fairly roared the American Admiral as he grasped the foreigner's arm. "Take it from me, there is nothing to it."

"Then, Admiral," said an enterprising photographer, "if that is the case, would you gentlemen care to pose as a peace picture for me?"

"I'm willing," said Admiral Yamamoto in labored English, at the same time clasping Admiral Evans's hand. "But if I do you gentlemen of the press must work for eace. Much lies with your pens."

Admiral Yamamoto is accompanied by Commander Hircharu Kato, his personal aide de camp; Commander S. Arisoka, chief ordnance officer of the Japanese navy; Capt. T. Fijii, Capt. M. Kondo; Capt. Takarobo, the Admiral's son-in-law; K. Matsukato, proprietor of the Japanese newspaper Kobe Shinbun, and his brother, Otchiko Matsukato.

Exceptionally fine weather was encountered by the Carmania, which left Liverpool on July 2. Admiral Yamamoto and his countrymen made many friends on board ship. The Navy Department tug Powhatan, with Lieut. Henderson, representing Capt. J. D. Adams, acting com-mandant of the New York Navy Yard, and Capt. A. J. Bowley, representing Brig. Gen. Frederick Dent Grant, aboard met the Carmania at Quarantine early in the morning. Then came a boatload of distinguished Japanese, headed by Viscount Aoki, the Japanese Ambassador at Washington. These were reenforced by a four alarm turnout of newspaper reporters and rapid fire photographic artists.

Admiral Yamamoto, who has been in this country before, wasn't a bit shy and appeared to enjoy greeting the visitors. s a trifle over the average height of his countrymen. He wore a frock coat and striped trousers. His silk hat formed a background for his rather large head and profuse gray tinged beard.

As the Carmania neared the Statue of Liberty Admiral Yamamoto edged his way from the crowded smoking room and pointed out the broken sky line of Man-

hattan to members of his party. There were many Japanese on the pier and they cheered as the Admiral and his party left the ship. It didn't take long to have the baggage examined and they were driven to their hotel. Commissioner Bingham had provided a police detail, but it had no work to do.

Rear Admiral Evans, Gen. Grant and Capt. Adams, U. S. N., called about the same time. There was nothing formal about the meetings. Admiral Yamamoto will visit the navy yard and Governors Island this morning. He will be the guest of honor at a luncheon given by the Japan Society of New York at the Hotel Astor. The society is formed to promote friendly

The society is formed to promote Friendly relations between this country and Japan. Among the guests at the luncheon will be Rear Admirals Coghlan and Evans.

Admiral Yamamoto was born in Satsuma in 1852 and was one of the first graduates of the Japanese naval academy. He ates of the Japanese naval academy. I was made Minister of the Navy in 1888, Baron in 1902 and a full Admiral in 1904.

#### TELEGRAPHERS SAY STRIKE. Chicago Union Decides to Call Out Its Me

on Sunday Afterno CHICAGO, July 10.-The local executive

board of the Commercial Telegraphers Union decided to-day to call out all its members on Sunday afternoon. The action of the executive board was taken after the Western Union and Postal authorities had refused to have anything

to do with the union. It was decided to draw up a new list of grievances for submission to a meeting of the union on Sunday afternoon.

The new demands will include an eight hour day, typewriters furnished by the companies, the abolition of the sliding scale and full recognition of the union.

# CONDEMN FAIRBANKS COCKTAIL

Prohibition Committee and Methodist Agitators After the Vice-President. INDIANAPOLIS, July 10 .- A motion conemning Vice-President Charles W. Fairbanks for serving cocktails and wines at his table was unanimously carried at the

meeting of the State executive committee

of the Prohibition party to-day. The motion was presented by the Rev. C. M. Kroft, pastor of the Whiteland Methodist Church and a well known member of the Indiana conference before which Mr. Fairbanks is a candidate for election as delegate to the quadrennial conference of the Methodist Church to be held at Balti-

more next spring. The Rev. Mr. Kroft, who is a member of the committee, expressed this opinion durng the meeting:

"I do not believe that the conference of the Church will elect as delegate to the quadrennial conference a man who has violated the rules of his Church by serving li quors in his home, even though that man should occupy the high office of the Vice-Presi-

According to reports from various parts of the State, several Methodist churches are arranging to send delegates to the Indiana conference at Coulmbus next September with instructions to oppose the selection of Mr. Fairbanks as one of the lay delegates to the quadrennial conference.

#### RAILROADS WIN BIG RATE SUIT. U. S. Court Declares Virginia Commi Has No Power to Enforce Orderss.

RICHMOND, Va., July 10.-If the opinion of Judge Pritchard, which was handed down in this city to-day in the United States Circuit Court, is sustained by the Supreme Court of the United States, the Virginia Corporation Commission will be shorn of all its powers as a judicial body, and it will be divested of all authority to regulate railroads.

The ruling of the Court was made in the cases of the six railroads which appealed from the recent decree commanding them to reduce their passenger rates.

Judge Pritchard holds that the Corporation Commission, under the Virginia Constitution, has no right to exercise the functions of a court; that its functions are only legislative, and that therefore it was not acting as a court when it attempted to put in force the reduced rates. The effect of the opinion is to continue

the restraining order granted at the re-quest of the railroads. Attorney-General Anderson, when asked

o explain the significance of the suit, said: "The court has granted an injunction against the State Corporation Commission which stays any further proceedings by mission on April 27, which fixed a two cent fare for passengers on the main lines of Virginia and rates varying from two and one-half to three cents on certain branch ines, until further order of the court."

#### TO MAKE SUBMARINES SAFE. English Naval Officers Invent an Escaping Suit for Accidents.

Special Cable Despatch to THE SUN London, July 10 .- Two officers of the British Navy, Commander Hall and Staff Surgeon Rees, have invented an apparatus which, it is expected, will remove the present dangers to crews navigating submarine boats. It is designed to enable the men to escape from the vessel even if it is filled with

water or poisonous gases. Experiments carried out by the Admiralty at Portsmouth proved, it is stated, that the apparatus will fulfil what is claimed for it. and it is likely to be adopted soon by the British fleet.

The invention resembles a diving belmet with a jacket attached. It contains an ingenious oxygen generator, the chief feature of which is that the oxygen may be breathed and rebreathed repeatedly for several hours, because the carbonic acid in the respired air is absorbed by a special substance called

oxylithe. The apparatus also has the qualities of a life buoy, and the wearer when under water can by a simple manipulation rise to the surface rapidly and float until rescued. The apparatus can be hung handily within a submarine boat, and can be donned in thirty seconds. Even in the most poisonous fumes of chlorine gas, which sea water generates when it comes in contact with the batteries of submarine boats, the wearer can live for an hour and twenty minutes.

Commander Hall says he does not want to keep the patent a secret, and there is no reason why foreign governments should not use the apparatus.

# GEORGIAN HUNTING FOR A GIRL.

Man Said to Be Wealthy Fascinated by Irene Walker on Railway Journey. Special Cable Despatch to THE SUN.

LONDON, July 10 .- The Express gives up column to the woes of an American millionaire in search of a pretty English girl whom he met on a train and has since sought vainly far and near. He is not anxious that his name should be made public at present, although the Express knows it. He is a partner in two large flourishing business concerns in Georgia.

He is less sensitive for publicity regarding the girl's name, which he learned from a violin case she was carrying, and announces it as Irene Walker. The susceptible Georgian travelled from Paris to London in April, 1904, in the same train and on the same boat with Irene, her sister and her mother, and was so strangely and overpoweringly fascinated that since he has been employing private detectives to aid his own efforts to trace her.

Some of these attempts and their fruitless results are set forth lengthily Now that all other efforts have failed, the Georgian's agents here have decided to resort to publicity, hoping that Irene will thus learn of the millionaire's aching heart and soothe its pains

that made the highball lamous .- Ass.

#### NEW GAS SUIT BY JACKSON Toils Mightily With the Men in the Field

SEEKS TO OUST CONSOLIDATED FROM CERTAIN FRANCHISES

Which He Says Have Expired, One of Them Fifty Years Ago-Theory That Municipal Ownership Would Come Cheaper Should the Plaintiff Win the Case.

Attorney-General Jackson has begun suit against the Consolidated Gas Company of this city to oust it from exercising pertain franchises which it secured through the merging of subsidiary companies. He alleges that these franchises have expired and that the Consolidated in operating under them is doing so unlawfully.

This move is independent of the one he made recently when he appeared before Supreme Court Justice McCall and asked eave to begin an action against the Consolidated for the vacation of its charter. In announcing his new proceeding Mr. Jackson gave out this statement:

"On the 3d day of June I applied to the Supreme Court at Special Term, Part I., Mr. Justice McCall sitting, for leave to commence an action against the Consolidated Gas Company of New York for judgment vacating its charter and annulling its corporate existence. I based my application upon the grounds, first, that it had exercised franchises not conferred upon it by law; and, secondly, that by violation of the statutes prohibitive of monopoly and of combination to create monopoly it has abused its corporate powers in such a way as to be liable for forfeiture of its corporate life. Mr. Justice McCall has not as yet passed upon my application. My understanding of the law was and is that unless such application is obviously frivolous or unless it is apparent upon the face of the application that the statutory grounds for the action do not exist the application would be granted. The opinion recently handed down by Mr. Justice Holt of the United States Circuit Court fully sustains the legal propriety of my application in so far as it

refers to monopoly. "The action that I have now commence s to oust the Consolidated Gas Company from the exercise of certain of the franchises of its constituent companies which are alleged to have expired. I believe that the public interest demands that the matter be prosecuted with the utmost expedition and I am, therefore, taking such action as the law permits me to take without leave of the court."

In his complaint the Attorney-General gives the names of five companies subsidiary to the Consolidated and alleges by exhibits attached to the complaint tha their franchises now exercised by the Consolidated are void. These five companies are the New York Gas Light Company, the Manhattan Gas Light Company, the Metropolitan Gas Light Company, the Municipal Gas Light Company and the Knickerbocker Gas Light Company. All of these com-panies were consolidated into the now defendant company in 1884, the corporation to continue in existence for a period of fifty years

The complaint says that the New York Gas Light Company was incorporated in 1823 and that the consents and privileges obtained in its franchise expired in 1853. The Manhattan Gas Light Company, it is set forth, was incorporated in 1830 and obtained its franchises and consents in 1833 and a subsequent franchise in 1848, and these franchises expired in 1868. The rights and privileges of the Metropolitan Gas Light Company, it is alleged, terminated in 1888. The Municipal Gas Light Company's franchises, it is alleged, expired in March, this year. In the case of the Knickerbocker Gas Light Company the Attorney-General holds that the Consolidated does not own and control the franchises of this company and that even if it did the franchises are void by reason of non-use, for the failure to lay pipes as provided.

While no statement was made by the Attorney-General as to what would be gained should this action prove successful. it was stated at his office that the success of the suits would facilitate municipal ownership, should such a move on the part of the people be decided upon. In other words, it was said by one in the Attorney General's office that the gas companies would come to easier terms in selling their plants to the city.

# BOY SHOCKED TO DEATH.

#### Climbs Pole Carry-ng High Voltage Wires on a Dare to Get a Bird's Nest. Mark De Lucia, 14 years old, of 4 Maple

avenue. The Bronx, was swimming with a number of companions in the Bronx River near the Williamsbridge station of the New York Central yesterday afternoon, when one of them dared him to climb a pole beside the railroad track to get a bird's nest. Attached to this pole was a number of wires carrying electricity for operating switches and for lighting purposes.

After the boy had shinned up the pole

as far as the crosspiece he slipped and grabbed at one of the wires to support himself. There was a series of flashes after which the boy's body curled up and hung across the wire. Flame and smoke shot out from the twitching arms and legs. James Burke and Peter Clark, two employees of the railroad, climbed up the pole to get his body. At the same time a passenger train arrived and stopped at the scene. Many of the passengers left the cars and watched Burke lower the boy's

body to Clark.

As the body was still twitching, many men and women tore up their handker-chiefs to make bandages for the burns. Several petticoats were also offered and used. When Dr. Placek arrived from Fordham Hospital he said the boy had been

#### LACKAWANNA TRAINS BLOCKED. Eastbound Traffe Held Up at the Hoboken Tunnel for Two Hours.

A string of freight cars was being switched over the New York, Susquehanna and Western tracks where they cross the Lacka-wanna tracks at the west end of the Lacka-

wanna tracks at the west end of the Lackawanna tunnel in Jersey City last night, when a box car was derailed across the eastbound Lackawanna track.

The track was blocked for nearly two hours. During that time all the Lackawanna's eastbound trains were held up at the west end of the tunnel. The Lackawanna train despatcher said that the trouble was caused by a Pennsylvania Railroad car, but the Pennsylvania train despatcher denied it

The Purity of Burnett's Vanilla

# ROOSEVELT GETS IN THE HAY.

and Then in the Mow. EAST NOR WICH, L. I., July 10 .- President Roosevelt gathered his hay crop on his Sagamore Hill farm to-day. Edward Maloney of this village, who worked at the

task, told the story to-night in the village

"About 2 o'clock the President came out to the field. He was dressed in a white suit and a white soft shirt and tie to match, and with a hearty greeting and handshak all around began to pitch with the others. Before the first load was done you wouldn't have given 30 cents for that white shirt; and talk about sweat drops like peas, the President had them as big as black walnuts dropping from his face, and he didn't stop to wipe them off, either; but kept right on pitching up forkfuls so big that he had to get

under them and shove them up to me. "Talk about hay pitchers, he's a wonder After we got two wagons loaded I drove to the barn, with the President in the lead, fork on shoulder, and when we reached the new hay barn the President climbed on my load and so up in the mow, where he took the hay from the fork and mowed it away with more big drops falling from him.

### WYNNE TO BE RECALLED?

Rumor That Vespasian Warner Is to Succeed Him as Consul -General in London. WASHINGTON, July 10.—There was a rumor in Washington to-night that Robert J. Wynne, United States Consul-General in London, who was Postmaster-General

in President Roosevelt's Cabinet, was to

be recalled and would be succeeded by Vespasian Warner of Illinois, Commis sioner of Pensions. When Commissione Warner was told of the report he said "Much obliged for the information. I've just returned from Illinois and this is the first intimation I've had of it. I'm very

well satisfied where I am, and intend to serve out my term or stay as long as the President will let me."

SHADE SISTERS GET A SWIM. One Falls Out of a Motor Boat and the Other Goes Overboard to Get Her.

The motor boat Bunker Hill, bound from Clason's Point to 134th street, broke he propeller when she had got about 500 yards away from the dock at her starting point at 6 o'clock last night. There were about twenty passengers. The boat swung around so as to take a swell from a passing Sound steamer broadside. The swell tossed the little boat so that Miss Hattle Shade. 17 years old, of 509 East 162d street, was thrown into the water.

The young woman is a good swimmer. but the rollers from the passing steamboat were too much for her. Her sister, Miss Minnie Shade, jumped overboard to the rescue. Capt. Torje of the motor boat threw life preservers at the end of a rope to the young women and they were dragged aboard.

Another motor boat took the passengers off the Bunker Hill and towed the helpless craft to the dock.

MOVE TO ANNEX THE CONGO. Belgian Government Broaches Question to the Free State. Special Cable Despatch to THE SUN.
BRUSSELS, July 10.—In the Chamber to-

day Prime Minister de Troos announced the Government had informed the Congo Free State that it (the Government) wished to suggest to the Chamber the antion of the Congo.

# BANKHEAD NAMED FOR SENATOR. Attacks Bryan in His First Speech After

Receiving the Nominatio MONTGOMERY, Ala., July 10.—Former Congressman John H. Bankhead was nominated for United States Senator tonight to fill the vacancy caused by the

death of Senator Morgan. The nomination was made by the Demo cratic joint Legislature caucus and was practically unanimous. The nomination was made almost im-

mediately after the organization of a Bryan oldb among members of the Legislature for the purpose of carrying the State for the Nebraskan. Mr. Bankhead signalized his nomination by making a speech earnestly condemning

government ownership of railroads. He declared that the adoption of the policy advocated by Bryan would mean the death of the nation. "I am a Democrat, I hope," declared Mr. Bankhead, "but I see nothing Demo-

cratic in the proposition that the Govern-

ment take charge of the railroads of the country. The Bryan men made no comment on Mr. Bankhead's address other than to say that they intended to see that the Alabama delegation to the national con-vention should be for Bryan.

### CAPT. DEVANNEY ON HAND. Grabs a Levesick Girl About to Pit

into the East River. Capt. Michael Devanney of the Amity street station, Brooklyn, grabbed Nellie Dailey, 20 years old, of 93 Prospect street, yesterday morning just as she was about to jump into the river from the pier foot of Amity street. The girl made a hard struggle to free herself from the captain, and when brought to the station declared that being forsaken by her lover she had determined to kill herself. She was locked

Cant. Devanney took charge of the Amity street station on Tuesday, and was looking over his new territory yesterday when he heard that a young woman was hurrying to the dock to throw berself overboard and

#### AUTO BURGLARS FAILED. larm Rouses Superintendent in Time to Save Dr. Parker's Valuables.

WENHAM, Mass., July 10 .- Burglars in an automobile were prevented from robbing the summer home of Dr. Charles Thorndike Parker of New York here to-day by burglar alarm.

Alexis Deveau, superintendent of the estate, was aroused early this morning by the tinkling of the alarm, which runs from the mansion to his cottage. Arming him-self with a revolver, he hurried to the house. self with a revolver, he hurried to the house. In the darkness he saw one man trying to climb by the way of a grapevine trellis to the windows of the house and another man near a window. He fired at the nearest man, but was too far away for accurate aim and missed.

The men jumped to the ground and ran for the automobile which was in waiting, and when they were safely aboard it chugged away.

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# MOYER KNEW ORCHARD WELL

FEDERATION PRESIDENT ON THE STAND ADMITS INTIMACY.

Tells of Giving \$1.500 of Upion's Money to Defend Orchard-Swears Orchard Never in His Presence Threatened Steunenberg -His Testimony Irrelevant.

Boise, July 10.-Charles H. Moyer, one of the three leaders of the Western Feieration of Miners accused of conspiracy to murder ex-Gov. Steunenberg, took the witness chair this morning in defence of William D. Haywood, the particular defendant now on trial, and occupied it all day long under the direct examination of Lawyer Clarence Darrow.

It cannot be said that the witness made any very important contribution to the case. As a matter of course, he denied all of the charges made by Harry Orchard that implicated him in a conspiracy to remove by violence the men most prominently identified with the opposition to the federation

He further sketched the history of his connection with the federation, described the workings of the various departments of the federation and told of the labor troubles before, during and after the Cripple Creek troubles of 1903.

Probably the feature of Moyer's appearance on the stand, so far as the defence is concerned, is the fact that he appeared at all, for there have been many rumors that the lawyers for Haywood would not dare to call the federation's president as a witness, fearing that he would break down. These fears, so far as Moyer's appearance to-day is concerned, were groundless. He seemed to be in perfect command of himself, was at all times cool and clear in what he said and displayed a pleasing address.

The president of the federation is a sparely built man of average height, dark brown hair, black mustache and piercing. cavernous eyes. He speaks with perfect distinctness, although an occasional slip betrays the fact that he is a man of little education.

While his testimony denied all the allegations of crime that Orchard made regarding him, Moyer gave evidence that e knew Orchard very well and saw a good deal of him. He furthermore said that when several members of the federation were accused of trying to wreck a train near Cripple Creek late in 1903. Orchard gave considerable help to the defence in preparing the case

He corroborated what Orchard had said about going to Ouray as a shotgun guard for Moyer, except that he declared that he did not telephone to Cripple Creek for Orchard, as the latter testified he did. He said Orchard came into his office in Denver and that he spoke to him there about it. A great part of the testimony given by Moyer related to the political conditions

of the time in Colorado, to Gov. Peabody's doings and to the decisions of the court on labor matters. It is certain that the State will request the Court to instruct the jury to pay no attention to all this line of evidence, and indeed it is hard to see what these things have to do with the charge that the three defend-

ants conspired to kill Steunenberg and others who opposed the federation Moyer did, however, testify to certain things which show that Haywood charged soon after Orchard's arrest, that a conspiracy was in process of formation to connect the federation with various grave crimes, and that steps were taken to hire lawyers to defend the interests of the federation in case it should appear that they were to be involved in the disposition of

Harry Orchard's case. He even testified that early in February 1906, he gave \$1,500 to Fred Miller of Spokane to defend Orchard. No evidence was introduced, however, to show why it was that before any request had come from Orchard Miller telegraphed Orchard from Spokane that he was coming to Caldwell at once

to defend him. The strongest part of Moyer's testimony was his personal appearance and manne on the stand; the weakes; part related to the action of the federation officials with reference to the Independence Station horror.

was under arrest. He said he wired the federation convention to do all in its power to detect the perpetrators of that outrage The convention offered a reward of \$5,000 Later on, Moyer testified that he knew the authorities were looking for Orchard as a suspect in that case. Several other witnesses for the defence all of them members or officers of the federation, have testified to knowing this, too Yet, though the federation had made a big

noise about offering a reward they never

When the station was blown up and

fourteen non-union men were killed, Moyer

made the least effort to turn Orchard over to the authorities, though his whereabouts was perfectly well known to them. For the first time in two weeks the court room was crowded. Even the presence of a circus in town, the second in two months, and still a third on the way, could not depopulate the court room. In vain did the steam calliope discourse the sweet strains of that ancient classic "Ta Ra Ra Boom De Aye." The crowd never budged. They

had been waiting for Moyer too long. All the members of Haywood's family were with him, including his crippled wife On the other side of the court room sat Mrs. Moyer, a rather pretty little woman, quiet and unassuming both in manner and dress. She has been in court only twice

before. When Moyer first took the stand there was a photographer who cut off his view of Mrs. Moyer. His eye travelled questioningly around the room until the camera man had limbered up and departed. Then he saw her and she gave him an encouraging smile. It is more than likely that Moyer's cross-examination by Senator Borah will be pretty severe. It will begin promptly at 9:10 to-morrow morning.

Before Moyer took the stand John J. Kierney, a newspaper reporter, was sworn to testify to political conditions that prevailed in Colorado at the time the attempts were made upon the lives of Judges Goddard and Gabbert and Gov. Peabody. This was met by an objection from the State and Mr. Darrow said that it was proposed to show that there was much severe criticism of the Governor and the Supreme Court from all classes of citizens at the time mentioned, that the general feeling against the